UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Email

May 20, 2014

Ernie B. Teran, Sr. Project Manager
NFS Capital Projects Group
Bellflower Demo Project
9400 Rosecrans Avenue
Bellflower, California 90706
ernie.b.teran@kp.org

Re: Toxic Substances Control Act, Polychlorinated Biphenyls (PCBs) – Kaiser Permanente Hospital, Bellflower, California – PCB Waste Segregation, Removal, and Disposal during Demolition and Post Demolition Soil PCB Characterization and Cleanup

Dear Mr. Teran:

The U.S. Environmental Protection Agency Region 9 (the EPA) thank you for submitting for approval the *"PCB Removal and Disposal Plan Kaiser Permanente Bellflower Facility Hospital Demolition Project 1400 E. Rosecrans Avenue, Bellflower, CA 90706"* (PCB Plan) dated April 8, 2014 (Revised April 18, 2014) and prepared by Forensic Analytical Consulting Services, Inc. (Forensic) for Kaiser Foundation Hospitals (Kaiser). Enclosed is the EPA's conditional approval (Approval) of the PCB Plan. The Approval is effective immediately and only applies to the 1960s-built tower (hereafter, Tower #1) at the Kaiser Hospital in Bellflower, California (Kaiser Bellflower).

The EPA is issuing the Approval under the TSCA PCB regulations in 40 CFR 761.61(a), 761.61(c), 761.62(c).

Caulk containing PCBs up to 330,000 milligram/kilogram (mg/kg or ppm) was confirmed to be present in Tower #1 during pre-demolition sampling. Building substrates are also contaminated with PCBs (e.g., up to 97 mg/kg total PCBs in concrete).

The Approval and the PCB Plan as modified by the Approval will facilitate segregation and disposal of PCB waste to be generated during Kaiser's scheduled demolition of Tower #1. The second tower comprising the two-tower Kaiser Bellflower facility was built in the 1970s. According to Kaiser, the 1970s-built tower (hereafter, Tower #2) will remain in use. However, due to the construction age, building materials containing PCBs may also be present in Tower #2. The PCB Plan only addresses PCBs in the eight-story, Tower #1 which occupies about 200,000 square feet.

Mr. Ernie B. Teran
Re: EPA TSCA PCB Cleanup Approval
Kaiser Hospital Bellflower, California
May 20, 2014

The EPA would like to discuss the continued use of the 1970s-built tower with Kaiser. Please call Carmen D. Santos at 415.972.3360 to schedule a conference call to have this dialogue.

We look forward to assisting Kaiser and its consultants on PCB matters associated with the demolition of one building tower at the Kaiser Bellflower facility in Bellflower, California. If you have questions concerning the enclosed Approval, please call Carmen D. Santos at 415.972.3360 or send correspondence to santos.carmen@epa.gov. Thank you.

Sincerely,

for Jeff Scott, Director
Land Division

Enclosure (U.S. EPA Conditional Approval)

Cc: Mr. John Martinelli, Forensic Analytical
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Ms. Carmen Santos, USEPA R9
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U.S. Environmental Protection Agency Conditional Approval
for
Kaiser Foundation Hospital, Bellflower Facility
9400 East Rosecrans Avenue
Bellflower, California
TSCA PCB Cleanup Approval Under 40 CFR 761.61(a), 761.61(c), and 761.62(c)

A. Introduction and Background

The U.S. Environmental Protection Agency Region 9 (the EPA) hereby approves with conditions the *"PCB Removal and Disposal Plan Kaiser Permanente Bellflower Facility Hospital Demolition Project 1400 E. Rosecrans Avenue, Bellflower, CA 90706"* (PCB Plan) dated April 8, 2014 (Revised April 18, 2014) and prepared by Forensic Analytical Consulting Services, Inc. for Kaiser Foundation Hospital (Kaiser). The PCB Plan addresses the removal and disposal of PCB remediation and PCB bulk product waste that will be generated during demolition of the 1960s-built tower at the Kaiser Hospital in Bellflower, California (Kaiser Bellflower).

The EPA is approving the PCB Plan under the Toxic Substances Control Act PCB regulations in 40 CFR761.61(a), 761.61(c), and 761.62(c).[1] This Approval is effective immediately and only applies to the 1960s-built tower (hereafter, tower #1) at Kaiser Bellflower.

The second tower at the two-tower Kaiser Bellflower facility was built in the 1970s (hereafter, tower #2) and it is not the subject of the PCB Plan or this Approval.

The PCB Plan summarizes the laboratory analytical results for samples collected by Forensic of exterior caulk, and porous (e.g., concrete) and non-porous (e.g., metal window frames) surfaces in contact with the caulk. The caulk contains PCBs up to 330,000 milligram/kilogram (mg/kg or ppm). The porous and non-porous surfaces (or substrates) are also contaminated with PCBs at various concentrations. The eight-story tower #1 is approximately 200,000 square feet.

The PCB Plan also includes the results of a pilot study that Forensic conducted to determine the extent of impacts from PCB-containing caulk onto building components and substrates (e.g. concrete, stucco). The results of that pilot provide the basis for the selective demolition of tower #1 and facilitate waste segregation prior to offsite disposal.

B. Property Owner, Land Use, Sources of Contamination, and PCB Cleanup Site

1. **Property (Facility) Owner.** Kaiser Foundation Hospital owns the Kaiser Bellflower hospital facility.

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[1] In general, for the Kaiser Bellflower demolition of Tower #1, approval under: 761.61(a) covers disposal of PCB remediation waste, 761.61(c) covers approval of soil PCB cleanup level, PCB level for unrestricted use of concrete, air monitoring during demolition, and under 761.62(c) covers PCB bulk product waste sampling in a different manner than 40 CFR 761, Subpart R. Waste storage requirements in 40 CFR 761.65(c)(9) for PCB remediation and bulk product wastes apply.

2. **Land Use.** The property is being used as a hospital.

3. **Sources of PCB Contamination.** Sources of PCB contamination include and may not be limited to caulk containing PCBs at levels up to 330,000 mg/kg.

4. **PCB Cleanup Site.** The PCB Cleanup Site (PCS) is defined as the area encompassing the entire Kaiser Bellflower facility and all the areas to where PCBs may have migrated. Only Tower #1 is being demolished in 2014. Tower #2 was constructed in the 1970s and a potential exists for PCBs to be present in building materials in this tower. This approval only applies to Tower #1.

C. Conditions of Approval and Clarifications

1. **Implementation of the PCB Plan.** Kaiser and its consultants must implement the PCB Plan as modified by the conditions in this Approval.

2. **Kaiser April 21, 2014 Letter (Subject: PCB Removal and Disposal Plan Bellflower East and Center Demo Project).** The waste designations summarized in the letter are modified by this condition. Within 14 days before demolition of tower #1, Kaiser / Forensic must confirm in writing the disposal method for liquid wastes (e.g., waste water) and the offsite disposal facility that will be accepting that waste. Liquid wastes that may be generated include waste water (e.g., during removal of caulk or cutting concrete) and solvents or mixture of water and solvent (e.g., decontamination of tools and equipment).

   Waste water. Publicly Owned Treatment Works (POTW) or Sanitary District permits and requirements for discharge of waste water containing PCBs must be confirmed in writing by Kaiser before generation of that waste. The EPA recommends that Kaiser / Forensic consult on this matter with the local Regional Water Quality Control Board.

   Solvents and waste water. All liquid wastes must be tested to determine their original PCB concentration for disposal and those wastes must not be directly disposed in a landfill. Disposal of liquid waste that contains PCBs must be consistent with applicable requirements in 40 CFR 761.60 and 761.79(g).

   Bulk product waste. Caulk that contains total PCBs at levels equal to or above 50 mg/kg (PCB-containing caulk) is a bulk product waste. Refer to Condition 3 for disposal of building components attached to PCB-containing caulk at the time of disposal. Refer to Condition 4 for details on disposal of caulk Types I through V that contain less than 50 mg/kg total PCBs.

3. **PCB bulk product waste. Clarifications.** Metal window frames, metal door frames, metal panels, and porous surfaces (e.g., concrete) can be disposed of as PCB bulk product waste if the PCB-containing caulk is attached to these building components or materials at the time of designation for disposal. In reference to building components attached to PCB-containing caulk, Forensic explained the phrase in the PCB Plan stating ". . . . that are in direct contact with caulk .

. . ." means the caulk will remain attached to the building components (e.g., metal windows and doors) when those components are removed during building demolition for offsite disposal.

4. **PCB remediation waste.** Caulk Types I through V contain less than 50 mg/kg total PCBs. In the PCB Plan, caulk Type V (2.7 mg/kg PCBs) is designated as PCB remediation waste. A similar designation was not made for caulk Types I through IV which contain PCBs up to 25 mg/kg. Unless available records demonstrate that caulk Types I through IV are the original caulk types used in the areas (e.g., HVAC) where they were identified, these types of caulk must be classified and disposed of as PCB remediation waste.[2]

5. **Disposal facilities.** Kaiser / Forensic must confirm the permit for the disposal facilities that will be used for disposal of less than 50 mg/kg PCB remediation waste allows acceptance of that waste and at the concentrations determined for disposal.

6. **Storage of PCB wastes and marking of waste.** Storage of PCB wastes must be consistent with the requirements in 40 CFR 761.65(c)(1) and (c)(9). If storage of PCB bulk product waste will be different than required in 40 CFR 761.65(c)(9) then Kaiser / Forensic must propose an alternate storage method consistent with 40 CFR 761.62(c). The paragraph in 40 CFR 761.65(a)(1) may not apply to Kaiser Bellflower since Kaiser may not have an onsite waste storage facility. All PCB waste to be generated during building demolition must be labeled and marked consistent with the requirements in 40 CFR 761 Subpart C.

7. **Soil and grass. Clarification.** Soil and grass are not included in the definition of porous surfaces in 40 CFR 761.3.

8. **Building basement.** Within 15 days after the date of this Approval collect samples of the water proofing material on the basement walls to determine if PCBs are present and the PCB concentration. The analysis results must be submitted to the EPA immediately after they become available. If PCBs are present at levels equal to or above 50 mg/kg, Kaiser may designate the basement concrete walls as PCB bulk product waste if the water proofing material is not removed from the walls.

   Alternatively, Kaiser may remove the water proofing material from the walls, test the concrete, and disposed of the concrete as a PCB remediation waste and the removed water proofing material as PCB bulk product waste. Depending on the PCB concentration in the concrete walls after removal of the water proofing material, the concrete may have to be disposed at a state or EPA permitted hazardous waste landfill or an approved TSCA landfill; or at a state permitted municipal solid waste landfill.

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[2] During building maintenance or renovation, PCB-containing caulk was probably replaced with new caulk in the areas where caulk has PCBs below 50 mg/kg. Based on the pilot study, the range of PCB concentrations in concrete impacted by PCB-caulk is inclusive of the PCB levels in caulk Types I through IV. If during building maintenance or renovation the original caulk was replaced and the concrete was contaminated with PCBs, the replacement caulk likely absorbed PCBs from the concrete. This would explain the low levels of PCBs in caulk Types I through V.

9. **Compliance with this Approval and applicable regulations.** This Approval does not relieve Kaiser and its consultants from complying with this Approval, other applicable TSCA PCB and Federal regulations, and state and local regulations and permits. Departure from the conditions in this Approval without prior written permission from the EPA may result in the commencement of proceedings to revoke this Approval, and/or an enforcement action. Nothing in this Approval bars the EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval.

10. **Additional Information.** Kaiser / Forensic must provide the additional information listed below to the EPA within the time frames specified in each item. .

    a. **Air sampling and dust suppression plan.** Within 20 calendar days before the start of building demolition submit for the EPA review and approval the air sampling and dust suppression plan that Forensic will implement during demolition.

    At a minimum, this plan must include (1) proposed dust air sampling methods that will provide real time dust measurements in air; (2) laboratory extraction and analytical methods for air samples, (3) real-time sampling equipment description, (4) figures depicting air sampling locations, (5) dust suppression methods, (6) proposed PCB dust levels not to be exceeded in ambient air to prevent exposures to PCBs and those levels correlated to a volume of dust in air, (7) air sampler height, (8) methods to contain, prevent runoff, and containerized water that may be used for dust suppression, (10) reporting of PCBs as Aroclors, and (11) measures to minimize exposure to dust that may contain PCBs if real-time dust levels are exceeded in air.

    b. **Soil sampling, excavation, and disposal plan (Soil Plan).** Within 30 days after the date of this Approval submit a Soil Plan for approval to the EPA.[3]

    The Soil Plan is to determine the extent of PCB contamination in soils beneath and within 10 feet from the tower #1. Among other information, this plan must include collection of (1) discrete soil samples to determine if PCBs are present in exposed soils and areas to where storm water collects and/or flows, (2) sediment samples from storm water drains, and (3) soil samples from any exposed soils (inclusive of planter boxes) within 10 feet from the 1970s-built tower. The plan must also include sampling and analytical methods, quality assurance samples, figures depicting sample locations, tables including sample identification codes, sample location, and sampling depth. The PCB cleanup level will be established by the EPA at a later date based on current and future land uses.

    c. **PCB cleanup report.** Kaiser must submit a PCB cleanup report within 45 days after demonstrating the PCB cleanup level for soils was achieved at the Kaiser Bellflower facility.

[3] Preliminary soil samples recently collected by Forensic indicate that PCBs are present in soils at levels below 50 mg/kg and above 1 mg/kg total PCBs.